

REMARKS

Applicants have cancelled claims 11, 12, 23-27, 35-42, and 44-59 to advance prosecution. New claims 60-131 have been added. Each of newly added claims 60-131 is "readable on" at least the species elected in the Response to Restriction and Election of Species Requirement filed on June 29, 2001.

In the Office Action, claims 11, 12, 45-49, 52, 53, 56, and 57 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 4,000,740 to Mittleman; claims 48-50, 52-54, and 56-58 were rejected under 35 U.S.C. §102(b) based on U.S. Patent No. 4,840,615 to Hancock et al.; claims 51, 55, and 59 were rejected under 35 U.S.C. §103(a) based on Mittleman in view of U.S. Patent No. 5,281,205 to McPherson; and claims 50, 54, and 59 were rejected under 35 U.S.C. §103(a) based on Mittleman in view of U.S. Patent No. 5,792,104 to Speckman et al.

Although Applicants respectfully disagree with these rejections, Applicants have cancelled claims 11, 12, and 45-59 to advance prosecution.

Applicants submit that new claims 60-131 are allowable over all of the references cited in the Office Action. For example, Applicants submit that Mittleman does not disclose or suggest "implantable, biocompatible material" as recited in new independent claims 60, 70, 81, 91, and 102. As discussed in the previous Amendment filed on March 12, 2002, Mittleman's disclosure relates to a parental fluid injection site that is not implanted into the body of a patient. Accordingly, there is no disclosure or suggestion of implantable, biocompatible material.

Regarding Hancock et al., that cited reference lacks disclosure or suggestion of at least the following: 1) a septum outer surface forming a portion of an exterior surface

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of an access port device, as recited in new independent claims 60 and 70; 2) an entry site defined by a hole in a body portion, as recited in new independent claims 81 and 91; and 3) an access site defined by a target area opening in a body portion, as recited in new independent claim 102.

Applicants also submit that new independent claims 118 and 125 are allowable over Mittleman and Hancock et al. inasmuch as neither one of those references discloses or suggests a system including, among other elements, "one of a guidewire and a stylet; and an access port device comprising . . . an entry site . . . configured to permit insertion of said one of a guidewire and a stylet"

In addition to the fact that both Mittleman and Hancock et al. lack disclosure or suggestion of all of the subject matter in the newly added independent claims, Applicants submit that both McPherson and Speckman et al. lack disclosure of those new claims.

For at least the reasons set forth above, Applicants submit that new independent claims 60, 70, 81, 91, 102, 118, and 125 are allowable. Since new claims 61-69, 71-80, 82-90, 92-101, 103-117, 119-124, and 126-131 depend from one of those claims, respectively, the newly added dependent claims should also be allowable.

Applicants respectfully request that the Examiner reconsider this application, withdraw the claim rejections, and timely allow the pending claims.

Applicants note that the Office Action contains numerous assertions regarding the related art and the claims. Applicants decline to automatically subscribe to any of those assertions. Furthermore, Applicants reserve the right to challenge the Examiner's assertions in any further proceeding.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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